

## REMARKS

The Examiner has cited two Japanese references as a basis for the rejection of claims 1-4 and 8-11, and has provided copies entirely in Japanese. Based on a review of the abstracts of these patents as translated into English, Applicant concedes only that the JP2115362 reference discloses an article of jewelry having Ni-Ti components. This reference does not discuss any of the process steps set forth in the method claims at hand in order to impart particular shapes in the jewelry, instead the disclosure is directed to a method of obtaining a gold colored Ni-Ti alloy by implanting excess Ni into the Ni-Ti alloy followed by heat treatment in a vacuum or inert gas. The abstract of the JP11103914 reference does not disclose Ni-Ti components in jewelry and instead focuses on the use of magnets to maintain the decorative beads at specific locations on the necklace. Thus, it is submitted that these references at most merely add to the known prior art an example of a Ni-Ti shape memory alloy component used as a fitting for a bracelet.

Nevertheless, Applicant has amended the claims as suggested by the Examiner in order to properly claim the invention at hand. To this end, independent claim 1 has been amended to include the previous limitations of claim 5, now canceled, which was indicated by the Examiner to be allowable if rewritten in such manner. Dependent claims 3 and 4 have been rewritten to reflect the amended language of amended claim 1.

Claim 6, which was indicated by the Examiner to be allowable if properly rewritten, has been rewritten in the form an independent claim now including language of the previous base claim, original claim 1.

Claim 7, which was indicated by the Examiner to be allowable if properly rewritten, has been rewritten in the form an independent claim now including language of the previous base claim, original claim 1.

Independent claim 8 has been amended to include the previous limitations of claim 12, now canceled, which was indicated by the Examiner to be allowable if rewritten in such manner. Dependent claims 13 and 14 have been rewritten to reflect the amended language of amended claim 8.

New claim 15 depends on amended claim 1 and is equivalent to original claim 7 with the proper language for dependency on amended claim 1.

New claims 16-19 depend from independent amended claim 6 and are equivalent to original claims 2, 3, 4 and 7.

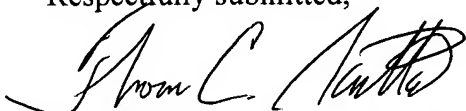
New claims 20-22 depend from independent amended claim 7 and are equivalent to original claims 2, 3 and 4.

Applicant further presents new claim 23, which is a combination of original claims 1 and 3. It is respectfully submitted that no disclosure in the prior art, alone or in combination, teaches, suggests, motivates or otherwise makes obvious the method as described, wherein after the steps of forming said wire into a desired shape, elevating the temperature of the wire above the austenite phase finish temperature to impart a memory shape to said wire, and cooling the wire to below the martensite phase finish temperature, the assembly step includes (1) plastically deforming the wire to create plastic deformations in the wire, with a subsequent step of (2) reheating the wire after the assembling step to above the austenite phase finish temperature in order to remove the plastic deformations. This allows jewelry to be manufactured out of shape memory alloy material that could not be manufactured from other common materials, as described in the specification in lines 3-9, page 14, wherein the common materials would be permanently deformed during the assembly process. The prior art at best shows merely use of shape memory alloy material in jewelry.

New claims 24-28 depend from new claim 23, and are equivalent to original claims 2 and 4-7.

It is respectfully submitted that the claims as amended are patentable, on the basis of the above remarks and as previously indicated by the Examiner, and reconsideration and subsequent passage for allowance is hereby requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Thomas C. Saitta", with a stylized flourish at the end.

Thomas C. Saitta, Reg. No. 32102  
Attorney for Applicant

Rogers Towers, P.A.  
1301 Riverplace Blvd.  
Suite 1500  
Jacksonville, FL 32207  
904-346-5518  
904-396-0663 (fax)